IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SIXTEENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

And
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 3468 of 2004

AND

WRIT PETITION NO : 5473 of 2004

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WRIT PETITION NO : 3468 of 2004

Between:

Abdul Iateef S/o Late M. Gulam Mahaboob, Assistant Accounts Officer, Office of the Electrical Inspector, Kurnool R/o Kurnool.

..... PETITIONER

AND

1 The Principal Secretary to Government, Energy Department, Government of Andhra Pradesh, Secretariat Buildings, Hyderabad.
2 The Chief Electrical Inspector to Government, Stone Building, Mint Compound, Hyderabad.
3 S.P. Badrinath, Assistant Accounts Officer, Office of the Chief Electrical Inspector, Government of Andhra Pradesh, Hyderabad, R/o Hyderabad.
4 Ashfaque Ahmed Hussain, Assistant Accounts Officer, Office of the Deputy Chief Electrical Inspector to Government, Chikkadapally, Hyderabad.
5 Smt. B. Vijayaharan, Assistant Accounts Officer, Office of the Chief Electrical Inspector to Government, Andhra Pradesh, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to

issue a Writ order or direction particularly one in the nature of Writ of Certiorari after calling for the records relating to the order in OA No. 6408/1998 dated 24-01-2004 on the file of the A.P. Administrative Tribunal, Hyderabad and quash the same as illegal, arbitrary and contrary to the presidential order and consequently declare that the Electrical Inspectorate and its subordinates officers are single unit for all purposes of recruitment, promotion etc., and direct the respondents to draw common seniority list for both Electrical Inspectorate and its Subordinate Officer and then effect promotions to various categories by reverting the un-official respondents.

Counsel for the Petitioner: MR.M.PANDURANGA RAO

Counsel for the Respondent Nos.1 to 3: GP FOR SERVICES II

Counsel for the respondents 4 to 6: None appeared.

WRIT PETITION NO : 5473 of 2004

Between:

K. Madduleti, S/o K.C. Jammanna (late), Senior Assistant,
Office of the Electrical Inspector, Kurnool, R/o Kurnool.

..... PETITIONER

AND

1 The Principal Secretary to Government, Energy Department, Government of A.P., Secretariat Buildings, Hyderabad.
2 The Chief Electrical Inspector to Government, Stone Building, Mint Compound, Hyderabad.
3 S.P. Badrinath, Assistant Accounts Officer,
Office of the Chief Electrical Inspector to Government, Andhra Pradesh, Hyderabad.
4 Ashfaque Ahmed Hussain, Assistant Accounts Officer,
Office of the Deputy Chief Electrical Inspector to Government, Chikkadpally, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may pleased to issue a writ order or direction particularly one in the nature of Writ of Certiorari after calling for the records relating to the order in OA.No. 6408 of 1998 dated 22-1-2004 on the file of A.P. Administrative Tribunal, Hyderabad and quash the same as illegal, arbitrary and contrary to the Presidential Order and also contrary to the Judgment of the Hon'ble Supreme Court of India and consequently direct the respondents to take immediate action on the basis of the judgment in OA.No. 2345 of 1995 and batch dated 24-4-1996 which was confirmed by the Hon'ble Supreme Court of India in Civil Appeal Nos. 7633-7635/1997 dated 16-9-2003 and revert all the un-qualified candidates and give promotion to the petitioner to the posts of Superintendent and Assistant Accounts Officer.

Counsel for the Petitioner: MR.M.PANDURANGA RAO

Counsel for the Respondent Nos.1 and 2: GP FOR SERVICES II

Counsel for respondents 3 and 4: None appeared.

The Court made the following:

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ORAL ORDER: (per GB.J.)

Both the Writ Petitions can be disposed of by a common order. The matter relates to fixation of seniority of the petitioners in both the Writ Petitions and consequential promotion.

2. Writ Petition No.3468 of 2004 is filed assailing the order passed by A.P. Administrative Tribunal (for short Tribunal) in O.A.No.6408 of 1998 dated 22.1.2004.

3. The principal grievance of the petitioner is that the counsel for the petitioner was not heard as she did not appear before the Court being a Public Prosecutor. Even otherwise the learned counsel for the petitioner would submit that in the wake of the decision of the Supreme Court reported in S.P.BADRINATH vs. GOVERNMENT OF ANDHRA PRADESH AND OTHERS[1], the Tribunal ought to have considered the matter in favour of the petitioner. Therefore, on both the grounds, the learned counsel would submit that the order of the Tribunal is liable to be set aside.

4. Even though notices were served on unofficial respondents, none appeared on behalf of them. Therefore the matter is heard on merits of the case.

5. After hearing the learned counsel for the petitioners in both the Writ Petitions and the learned Government Pleader for Services-I, we are of the considered opinion that the matter requires reconsideration in the hands of the Tribunal duly taking into consideration the decision of the Supreme Court referred to above. Under these circumstances, the order of the Tribunal is set aside and the matter is remitted back to the Tribunal for fresh consideration. The Tribunal shall issue notices to the parties concerned and pass appropriate orders within a period of three (03) months from the date of receipt of a copy of this order.

6. Writ Petition No.3468 of 2004 is accordingly allowed. No costs.

7. In pursuance of the orders passed in Writ Petition No.3468 of 2004, Writ Petition No.5473 of 2004 also shall stand allowed and the matter is remitted back to the Tribunal with similar directions passed in Writ Petition No.3468 of 2004. No costs.

(G.BIKSHAPATHY, J.)

16th March, 2005.

(P.S.NARAYANA, J.)

SSR

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Principal Secretary to Government, Energy Department, Government of Andhra Pradesh, Secretariat Buildings, Hyderabad.
2 The Chief Electrical Inspector to Government Stone Building, Mint Compound, Hyderabad.
3 The Registrar, A.P. Administrative Tribunal, Hyderabad.

4 2 CCs to G.P. for Services-II, High Court of A.P. Hyderabad. (OUT)

5 2 CD copies

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